



U.S. Department of Justice

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August 7, 2020

Honorable Stanley R. Chesler
United States District Judge
United States Post Office and Courthouse
2 Federal Square
Newark, New Jersey 07102

Re: United States v. Jose Pena, Crim. No. 19-545

Dear Judge Chesler:

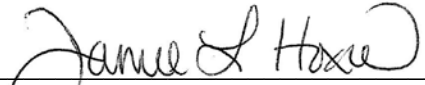
The United States respectfully submits this letter motion to dismiss the *pro se* letter request of the defendant, Jose Pena ("Pena"), filed on July 6, 2020 (ECF No. 21). In the letter, Pena raises issues related to his purported lack of mental health treatment and various covid-related safety procedures at FCI Schuylkill, a federal correctional facility in Minersville, Pennsylvania. Pena does not identify a statutory or constitutional basis for the relief he requests. To the extent Pena wishes to bring a legal claim under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), to challenge his medical or mental health treatment, that claim would need to be filed in the judicial district where Pena resides. *See, e.g., Pannello v. United States*, 2011 WL 6097771, at *3 (D.N.J. 2011) (venue for claim involving denial of medical care for inmate who was sentenced in New Jersey but resided in correctional facility in Pennsylvania was in Pennsylvania, not New Jersey); *see also* 28 U.S.C. § 1391(b).

Here, FCI Schuylkill is located in the Middle District of Pennsylvania. Accordingly, the Government respectfully requests that the Court deny Pena's

letter motion without prejudice to raising his claims in the U.S. District Court for the Middle District of Pennsylvania.

Respectfully submitted,

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United States Attorney


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